UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

EXPORT COMMODITY LLC,

PLAINTIFF,

V.

THE PARTNERSHIPS AND UNINCORPORATED ASSOCIATIONS IDENTIFIED ON SCHEDULE A,

DEFENDANT.

CASE No.: 23-CV-15059

JUDGE JOHN F. KNESS

MAGISTRATE JUDGE YOUNG B.

Kim

DECLARTION OF XU MIAO IN SUPPORT OF DEFENDANT'S MOTIONS

- I, Xu Miao, declare as follows:
- 1. I am Xu Miao, the Chief Technology Officer (CTO) at Shenzhen Jiayi E-Commerce, Co., Ltd. (Jiayi), which operates the internet store, beautifuldeer.com (the Store), identified in this lawsuit. In this capacity, I have personal knowledge of the Store's operation and sales and have access to Jiayi's business records.
- 2. I make this declaration based on my personal knowledge and after reviewing Jiayi's business records under the penalty of perjury. If called as a witness, I can competently testify to the matters stated herein.
- 3. Jiayi is incorporated and has its principal place of business in China. Jiayi operates the Store exclusively in China. Jiayi has never owned or utilized an office, hired employees, agents, or representatives, maintained bank accounts, owned assets or properties, or qualified to do business in Illinois or any other part of the United States.
 - 4. Neither the Store nor Jiayi has targeted Illinois residents with their advertisements,

nor directed any marketing efforts or materials at Illinois.

- 5. Export Commodity LLC (the **Plaintiff**) alleges the Store has infringed on its copyrights and trademark. The products in question are spoof toy arms that can be attached to chickens or other animals. Specifically, Plaintiff's counsel has provided the attached **Exhibit A**, which shows the allegedly infringing products (collectively, **Alleged Products**).
- 6. After reviewing the amended complaint and Exhibit A provided by counsel, I conducted a diligent search of the Store's sales records for the Alleged Products. **Exhibit B** contains the complete and accurate sales records, maintained in the ordinary course of Jiayi's business.
- 7. Exhibits B shows that the Store made seven sales, a totaling ten Alleged Products, in the U.S. from June 2021 to December 2023. The total revenue from these sales is less than \$400.
- 8. Of those sales, only one order was placed in Illinois, which appears to have been made by Plaintiff on September 12, 2023 for the purposes of this litigation. The buyer's zip code and the order number on Exhibit A match those on Exhibits B. The buyer is listed as "John Doe" in Ex. B.
- 9. There are many similar chicken spoof arm toy products for sale online. A brief search online reveals numerous similar pictures and sales links for such products. Many listings use similar descriptive titles and brand names with key words like "chicken arm," "fist fighting chicken," "fighting chicken," and "funny costume fist fighting chicken." *See* Exhibit C.
- 10. The Store initially listed the Alleged Products for sale in or before June 2021. At that time, the Store was not aware, nor had any reason to be aware, that it was infringing any

copyrights or trademarks. The Store has not attempted to market or pass off its products as

those of the Plaintiff or any other party.

11. The Store has two Paypal accounts for the Alleged Products,

jiayiexcellent@outlook.com and jiayi88251@163.com, with respective balances of

\$1,531,564.84 and \$8,996.78. Both accounts have been frozen due to the asset restraints

currently in place.

12. The Store still plans to continue business operations. However, the existing

restraints significantly hinder the Store's liquidity and ability maintain normal operations.

13. Upon notice of the current litigation, Jiayi has permanently removed the listings of

the Alleged Products. While the Jiayi is moving to challenge the Preliminary Injunction Order

(Dkt. 28), Jiayi assures the court it will not relist the Alleged Products for sale until further

ordered by the court.

I declare under the penalty of perjury under the laws of the United States of America that

the foregoing is true and accurate.

Executed on this 12th day of May, 2024, in Shenzhen, Guangdong Province, China.

Dated: May 12th, 2024

By: XuMraw

Xu Miao

EXHIBIT A

233. beautifuldeer

DEFENDANT INTERNET STORE INFORMATION:

Marketplace: Other

Store Name: beautifuldeer

Merchant ID: beautifuldeer.com

Store URL: https://www.beautifuldeer.com/

Product URLs: https://www.beautifuldeer.com/products/fist-fighting-chicken?variant=95244;

https://www.beautifuldeer.com/products/fist-fighting-chicken?variant=95245; https://www.beautifuldeer.com/products/fist-fighting-chicken?variant=95246; https://www.beautifuldeer.com/products/fist-fighting-chicken?variant=95247; https://www.beautifuldeer.com/products/fist-fighting-chicken?variant=95248; https://www.beautifuldeer.com/products/fist-fighting-chicken?variant=95249; https://www.beautifuldeer.com/products/fist-fighting-chicken?variant=95250; https://www.beautifuldeer.com/products/fist-fighting-chicken?variant=95251;

https://www.beautifuldeer.com/products/fist-fighting-chicken?variant=95252;

https://www.beautifuldeer.com/products/fist-fighting-chicken?variant=95253; https://www.beautifuldeer.com/products/fist-fighting-chicken?variant=95254;

https://www.beautifuldeer.com/products/fist-fighting-chicken?variant=95255

INFRINGEMENT INFORMATION:

Number of Unique Infringements: 12

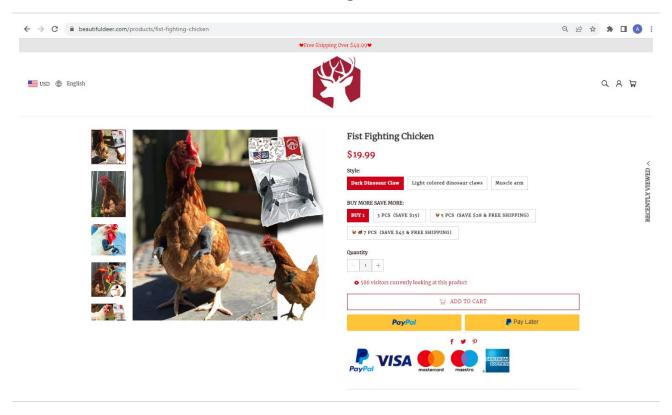
Screenshots Captured on: October 5, 2023

Intellectual Property Infringed:

Trademarks: ARMED PET (Reg. No. 6,830,822)

Copyrights: ARP-19, ARP-23, ARP-4, ARP-6

Product & Listing Information





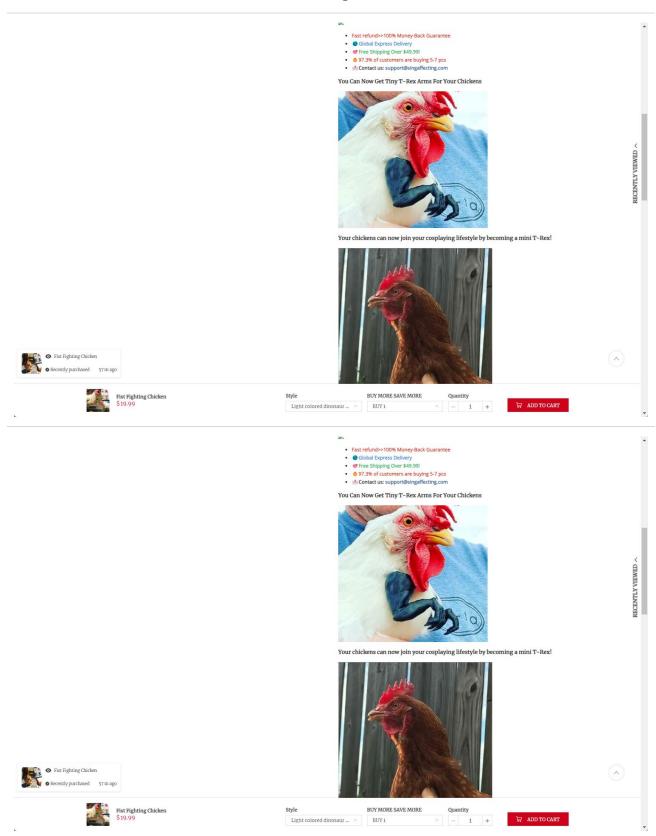


Product & Listing Information

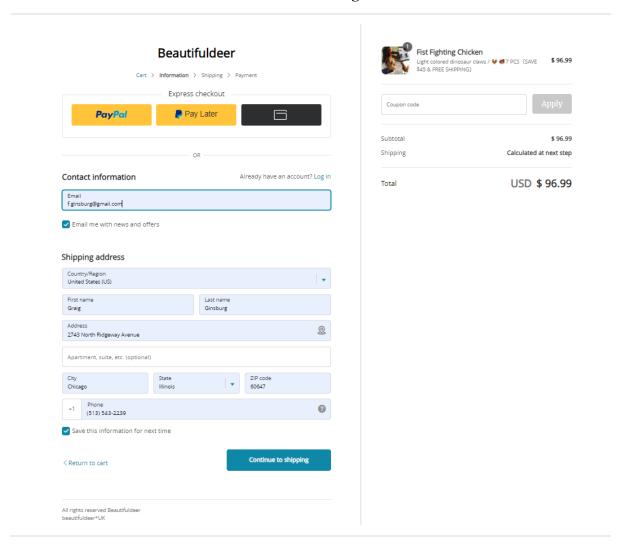




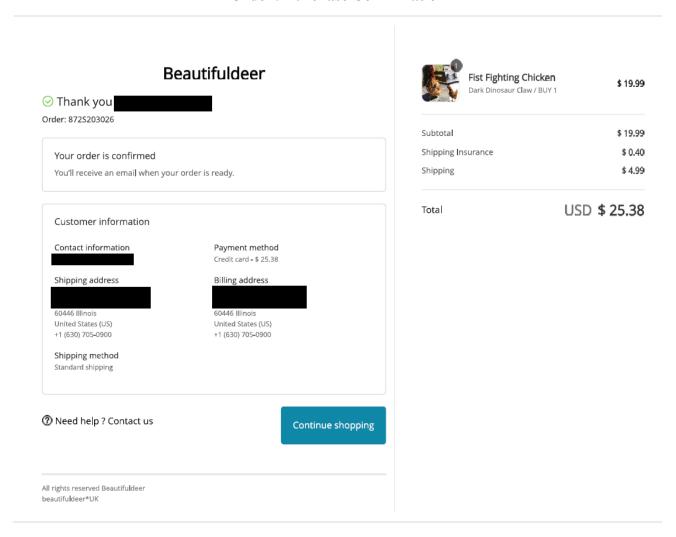
Product & Listing Information



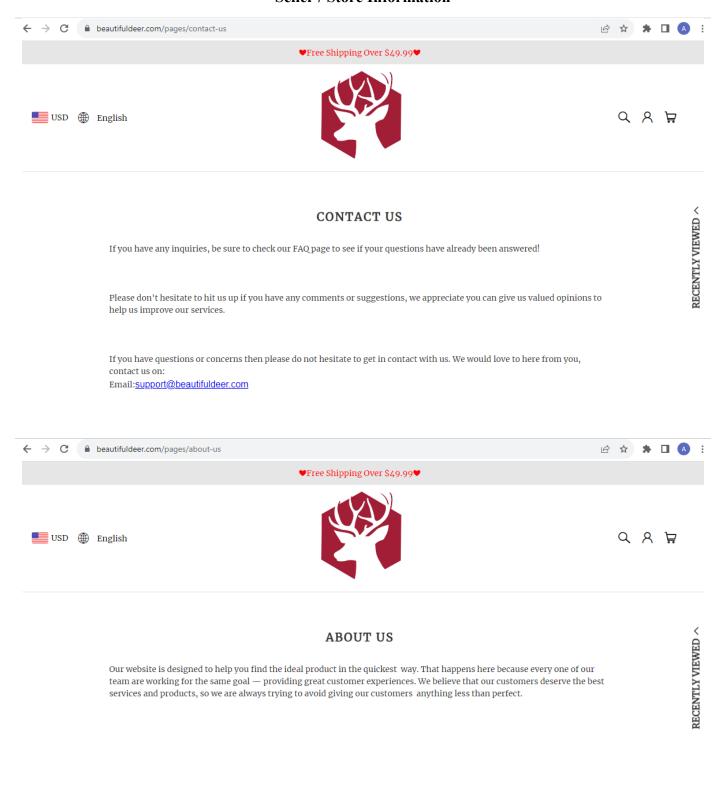
Check Out Page



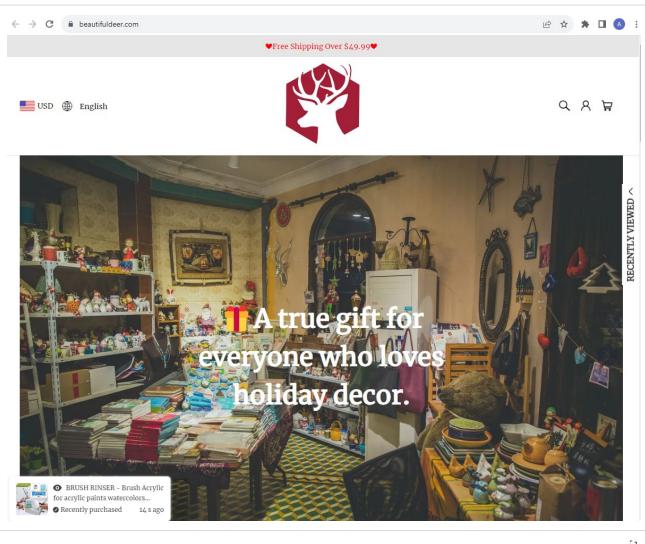
Order / Purchase Confirmation



Seller / Store Information



Seller / Store Information



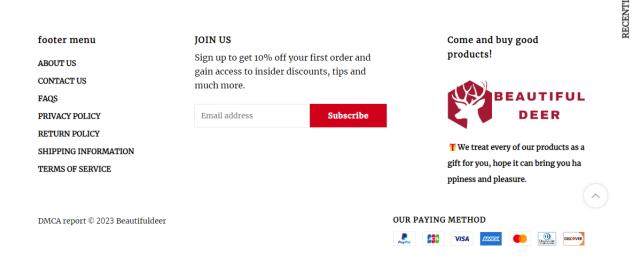
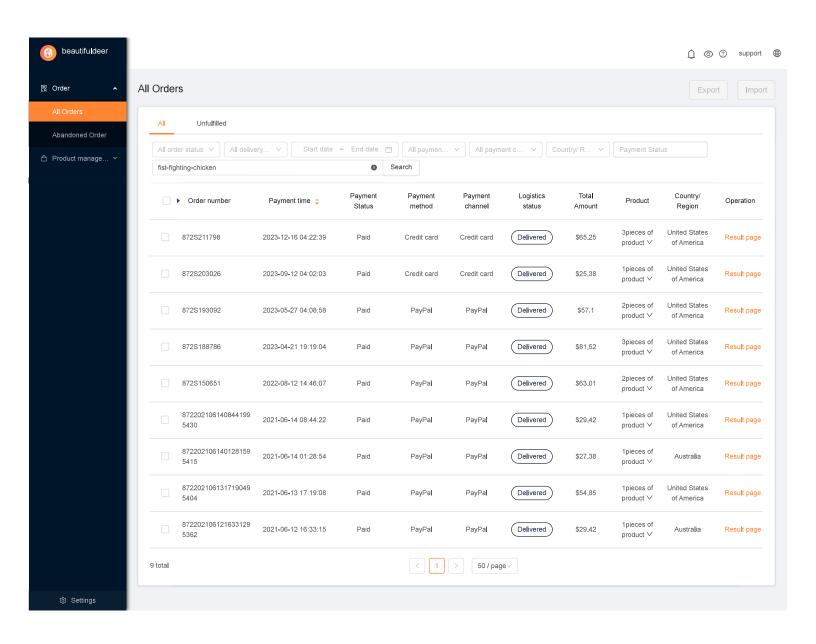
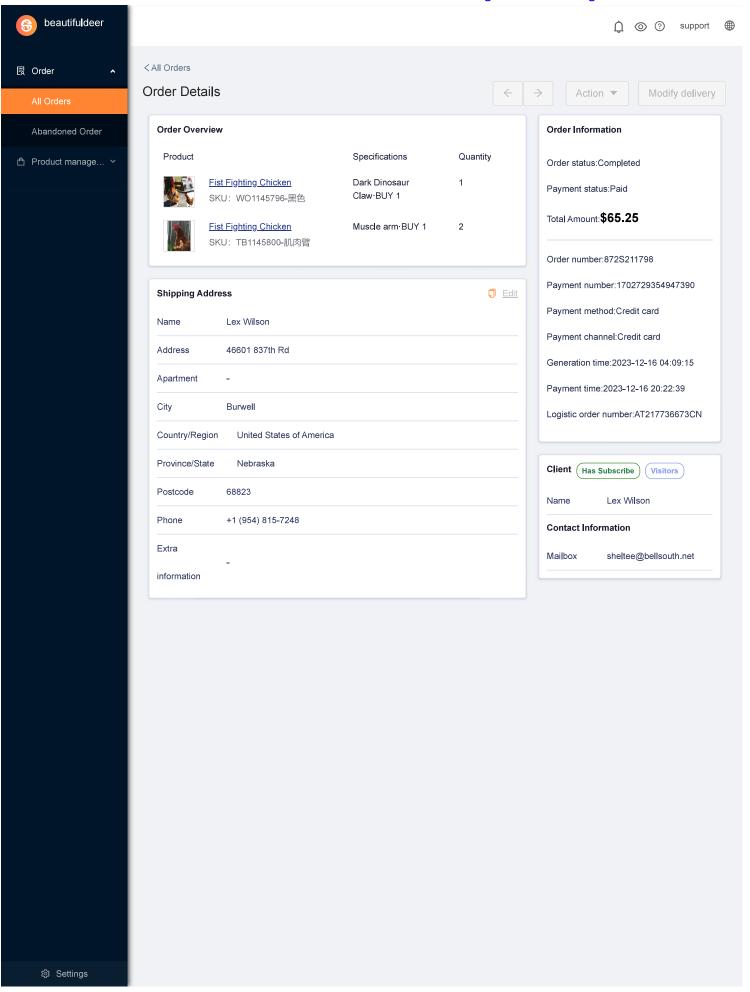
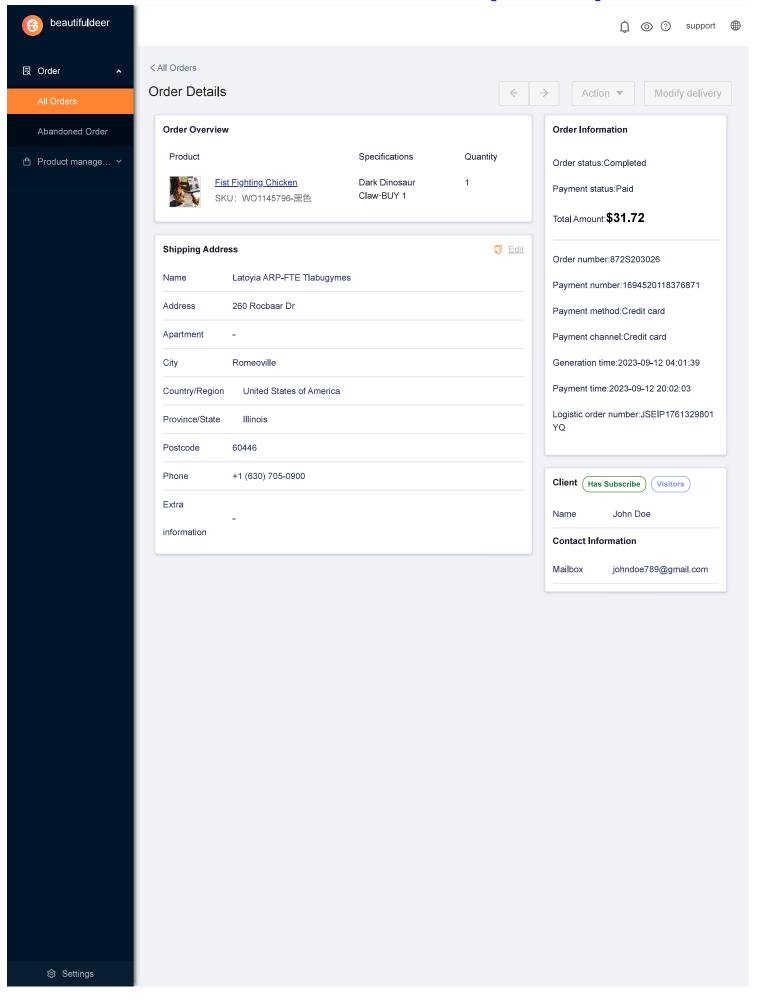


EXHIBIT B

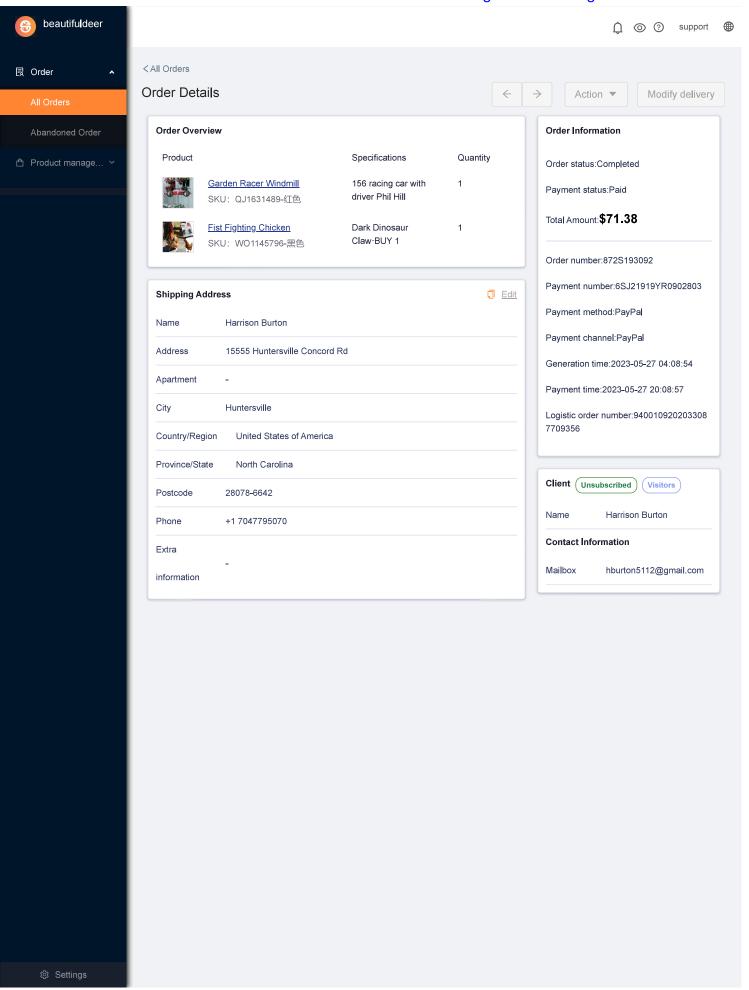


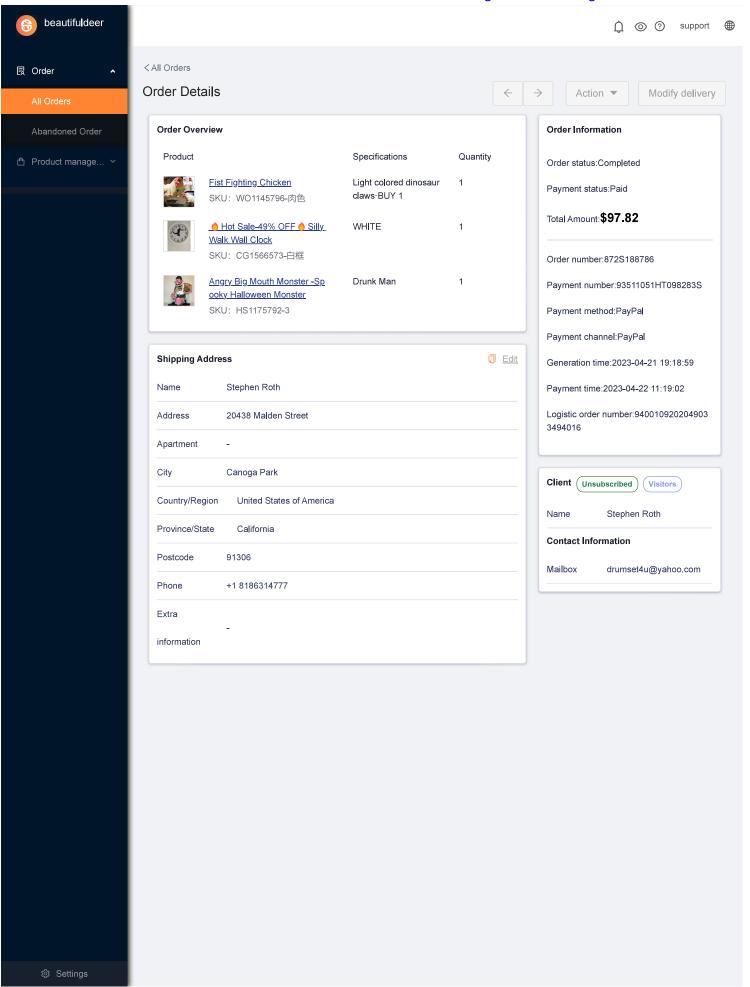


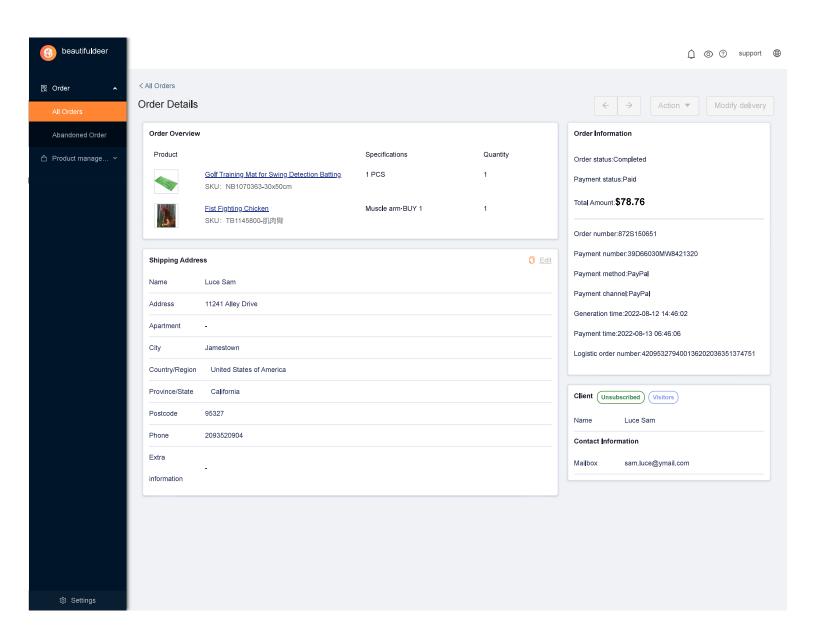
Case: 1:23-cv-15059 Document #: 39-1 Filed: 05/13/24 Page 16 of 25 PageID #:2185



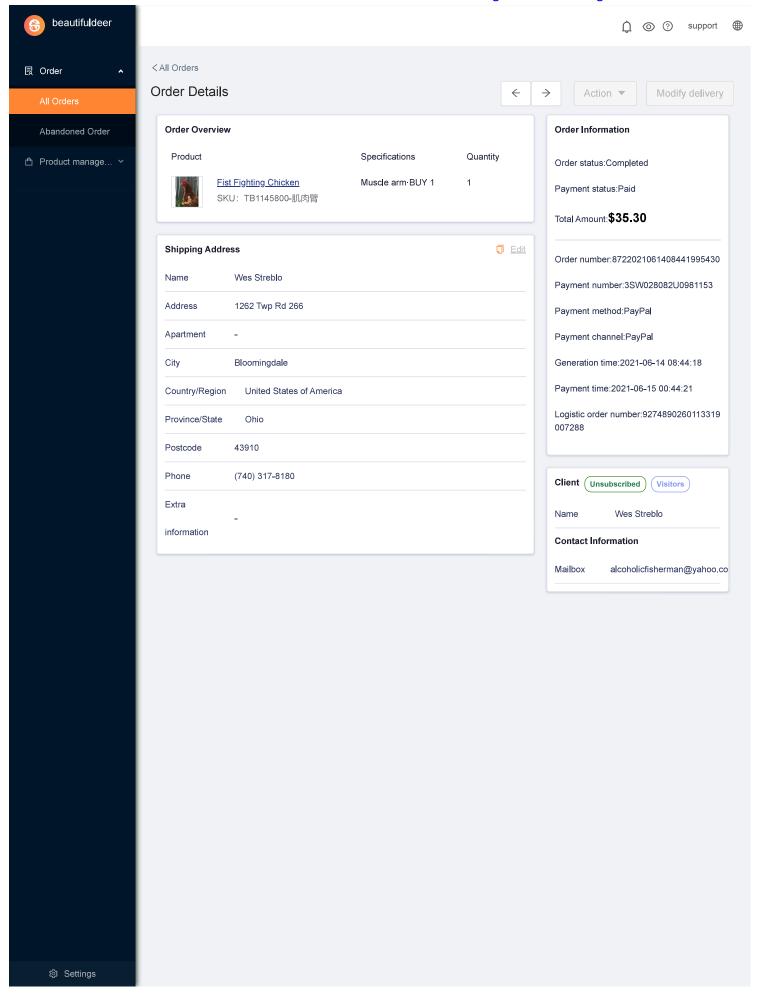
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Case: 1:23-cv-15059 Document #: 39-1 Filed: 05/13/24 Page 20 of 25 PageID #:2189



Case: 1:23-cv-15059 Document #: 39-1 Filed: 05/13/24 Page 21 of 25 PageID #:2190

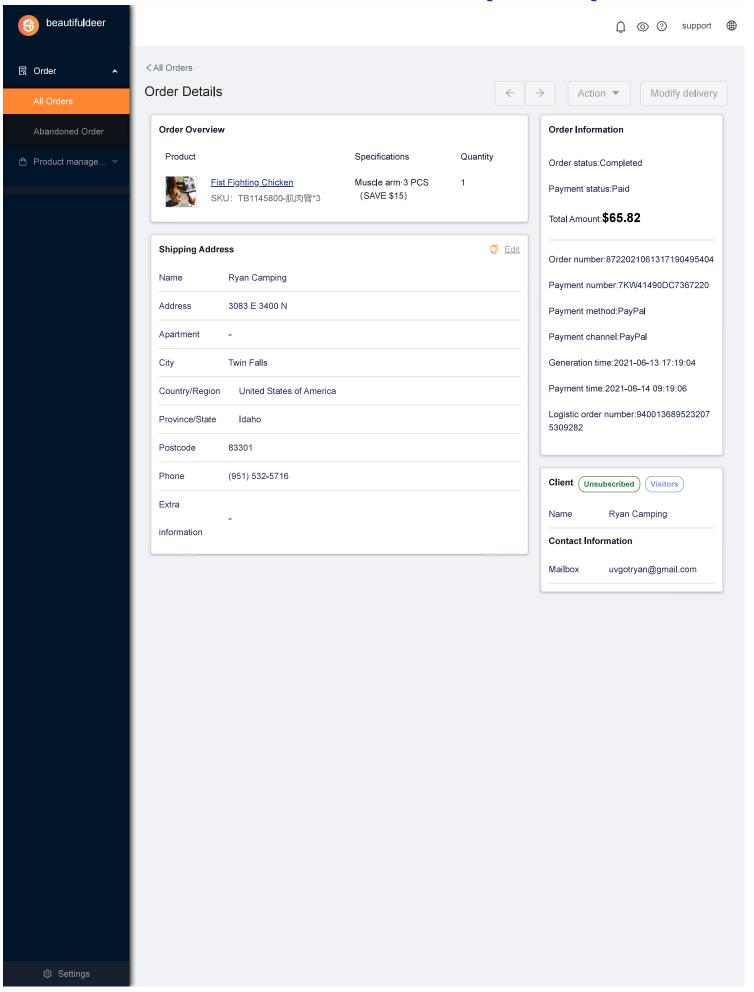
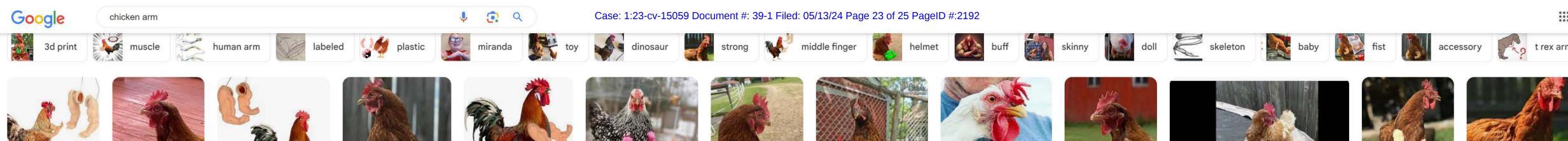


EXHIBIT C





Amazon.com : Ext...

Related searches



Thumbs Up Chicke...



Amazon.com: Chicken ...



Chicken Arms - Giftsg...



a Amazon.com · In stock Amazon.com: YUKEI ...



Chicken Arms, Chicken ...



eBay · In stock Hulk Arms For Chi...



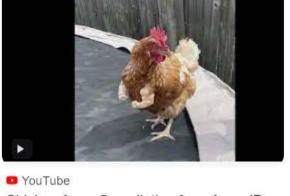
Etsy · In stock Middle Finger Muscle A...



Super Cluck Co. Cluckasaurus Rex - Su...



Pinterest Thumbs Up Chicke...



Chicken Arms Compilation from ArmedP...



Meme Muscle arm...



Muscular Chicken Arms



3D Printed Chicken Arms: Fun & Funny ...



DIYElectronics Blog 3D Printed Arms For Chicken ...



ThisIsWhyImBroke Chicken Arms



Printables.com Chicken Arms! - Chick...



Walmart · In stock ArmedPet Strong Chick...



& Chicken Arms Chicken Arms: Black ...



3D Printed Chicken Ar...



Odditymall You Can Now Get Tiny T-Rex Chicken A...



▼ Fabbaloo A chicken with (fak...



Design of the Week: Arme...



chicken arms middle finger





Middle Finger Chicken Ar...



Buy Arms For Your Chicken ...



ThisIsWhyImBroke Chicken Arms



YouTube 3D Printed Chicken Arm Fun in Alaska ...



Reddit we've had chicken ar...



AliExpress Funny Fighting Chicken Arm...



3D Printed Human Ar...



Ubuy Kosovo Chicken Arms Toy Silico...

= Awesome Inventions



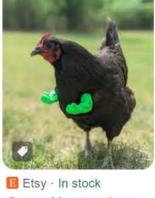
Blow My Budget Clucky Balboa Chicken Arms - ...



3D Universe 3D Printed Arms For Chickens?



Tiny 3D Printed Bab...



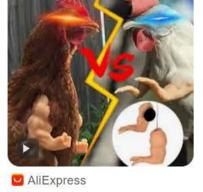
Green Monster Arm...



Bored Panda Buy Arms For Your Chicken ...



YouTube Chickens With T-Rex Arms - YouTube



Funny Fighting Chicken ...



Chicken Arms Merch & Gi...



a Amazon.com Amazon.com: Thumbs U...













buff chicken arms



















Fist Chicken Arms Made in Texas USA Meme Fist Fighting Chicken : Amazon.sg: Pet Supplies





DEPARTMENTS ~

Q Search over 10,000,000 products & 20,000 brands...







Toys & Games ▶ Toys ▶ Educational Toys ▶ Science & Exploration Sets













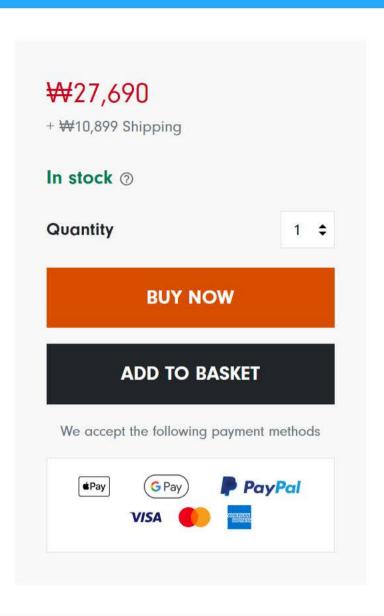
Chicken Arms, Chicken Arms To Put On Chickens, Fist Fighting Chicken Toys Doll Arms Muscle Chicken Arms

Brand: Unbranded Colour: G

More colour options in stock

B C D E F G

Price: ₩27,690



Description

Mischief GiftGive your chickens unparalleled confidence in no time with this pair of chicken arm toys. This is definitely a great prank gift for friends on various holidays (eg Halloween, Easter).

Perfect CombinationThis package contains 1 pairs of chicken arms and 1 wires, making the chicken arms more delicate and durable. Good flexibility and reusability to suit your needs. The chicken arm simulates a doll arm and brings more fun to your chicken.

Easy to useThe chicken arms are connected by iron wires and are already assembled, you just need to hang the chicken arms around the chicken neck and adjust the width of the chicken arms to make your pet move comfortably.

High-quality & ReusableThe chicken arm toy is made of high-quality and safe materials, carefully processed, durable and soft. Reusable and just use a clean cleaning cloth to easily remove surface dirt. Widely UsedWhen your chicks wears the arm toys for Halloween, cosplay, costume competitions, pet themed parties, it will definitely attract a lot of attention.

Brand: Unbranded Category: Science & Exploration Sets Colour: G

Fruugo ID: 229875437-490565359 EAN: 947258232473 Sold by: Hefeizhaisaowangluokejiyouxiangongsi

Top Brands

Inbev (696)

Hcankcan (510)

SML (494)

HSKMALL (279)

Allinless (193)

Labt (180)

Remorui (140)

OEM (115)

Toyvian (112)

More